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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,387	10/22/2001	William H. Ward JR.	37100.00084 Div	6385

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10/27/2003

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EXAMINER

CROSLAND, DONNIE L

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 10/27/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,387

Applicant(s)

WARD, WILLIAM H.

Examiner

DONNIE L. CROSLAND

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-39 and 42-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 23-29, 31-39, 42, 43 and 45-62 is/are rejected.
- 7) ☒ Claim(s) 30 and 44 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 7-24-03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,307,468 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-25, 39, 46-48, and 52 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cordery, newly cited.

Cordery shows the interrogator tag system and provides for a first and second antennas 23 and 24 for generating first and second magnetic field components and a driver circuit 21 coupled to the first and second antennas to provide at least one signal to cause the generation of first and second magnetic field components for providing a rotating field (time varying composite magnetic field), col. 1, lines 55 et seq., col. 2, lines 1-12, 65 et seq.

Cordery provides in figure 5 for a phase shift between the oscillators applied to the coils 53, 54, 61, and 62 to provide the rotating field, col. 4, lines 1-13.

The processor is inherent in the surveillance marker/tag system of Cordery, receiver 11 in figure 1.

With respect to claim 46, the generation of the rotating magnetic field of Cordery provides for constant amplitude as illustrated in figures 3a and 3b.

Claims 23-25, 39, 46-48, and 60 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gallagher, III et al.

Gallagher shows the rfid (tag) system that provides for the generation of a time varying composite magnetic field (rotating magnetic field), see abstract, col. 1, lines 55-63, col. 2, lines 49-58, and col. 4, lines 54-65.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 26-29, 31-37, 42, 43, 45, 49-59, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher.

With respect to claim 26, the artisan recognizes the location of the antenna with respect to phase generation.

With respect to claims 27, 36, see first and second capacitors 22 and 24 or 30 and 32 shown in figure 1.

With respect to claims 28, 33, 34, 42, 51 the recited pick-up coil is analogous to the three loop antenna, col. 4, lines 55-65.

With respect to claims 29, 43, 45, 49, 50, the phase splitter is inherent in the Quadrature arrangement of Gallagher.

With respect to claims 31, 32, 53, the processor/display is conventional in RFID systems.

With respect to claims 54, 58, 59, and 62 note impedance matching in col. 1, lines 64 et seq.

With respect to claim 55, the precession coil is analogous to the third coil of the reference.

With respect to claim 56, 60, note alignment of coils, col. 1, lines 40-54, and col. 2.

With respect to claim 57, such is the inherent nature of the rotating field produced by the reference.

With respect to claim 61, see col. 1, lines 55 ET seq.

Allowable Subject Matter

Claims 30 and 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

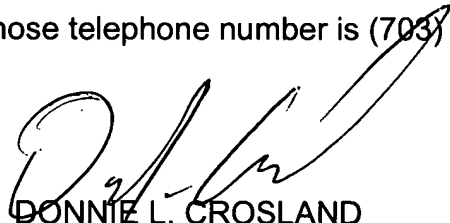
Response to Arguments

Applicant's arguments with respect to claims at issue have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


DONNIE L. CROSLAND
Primary Examiner
Art Unit 2636


DLC